

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 6, 2002

IN RE:

**APPROVAL OF THE AMENDMENT TO
THE INTERCONNECTION AGREEMENT
NEGOTIATED BY BELL SOUTH
TELECOMMUNICATIONS, INC. AND
POWERTEL, INC. PURSUANT TO
SECTIONS 251 AND 252 OF THE
TELECOMMUNICATIONS ACT OF 1996**

DOCKET NO. 02-00512

**ORDER APPROVING AMENDMENT
TO THE COMMERCIAL MOBILE RADIO SERVICES
INTERCONNECTION AGREEMENT**

This matter came before Chairman Sara Kyle, Director Pat Miller, and Director Deborah Taylor Tate, of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 23, 2002 to consider, pursuant to 47 U.S.C. § 252, the *Petition for Approval of the Amendment to Interconnection Agreement Negotiated Between BellSouth Telecommunications, Inc. and Powertel, Inc. Pursuant to the Telecommunications Act of 1996* (the "Amendment").

The first Interconnection Agreement between these parties was filed on September 14, 2000, under Docket No. 00-00803, and was approved by the Authority at the November 7, 2000 Authority Conference. The second Interconnection Agreement and Amendment was filed on November 5, 2001 and assigned Docket No. 01-00975. The Authority approved the second

Agreement and Amendment at the January 23, 2002 Authority Conference. The third Amendment,¹ which is the subject of this docket, was filed on May 6, 2002.

Based upon the Petition, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Amendment and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The Amendment is in the public interest as it provides consumers with alternative sources of telecommunications services in the BellSouth Telecommunications, Inc. service area.
- 3) The Amendments are not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).² Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Amendments are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
- 5) This is an amendment to the interconnection agreement for the provision of commercial mobile radio services is not an agreement between competing carriers.

¹ The Amendment reflects the company's name change from Powertel, Inc. to VoiceStream Wireless Corporation.

² See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

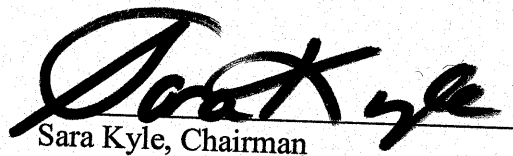
6) By approving this Amendment, the Authority does not make a determination that the provision of wireless services to both business and residential customers within the BellSouth Telecommunications, Inc. service area rises to the level of facilities-based competition under 47 U.S.C. § 271(c)(1)(A).

7) No person or entity has sought to intervene in this docket.


8) The Amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

IT IS THEREFORE ORDERED THAT:

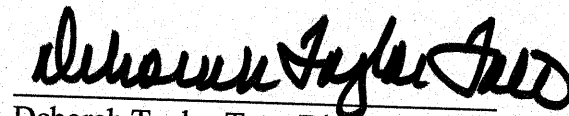
The Amendment to the Commercial Mobile Radio Service Interconnection Agreement between BellSouth Telecommunications, Inc. and Powertel, Inc.³ is approved and is subject to the review of the Authority as provided herein.



Sara Kyle, Chairman



Pat Miller, Director



Deborah Taylor Tate, Director

³ The third Amendment to the Interconnection Agreement changes the name of Powertel, Inc. to VoiceStream Wireless Corporation.